

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NO. OSH 2003-5
	)	
DIRECTOR, DEPARTMENT OF LABOR	)	ORDER NO. 43
AND INDUSTRIAL RELATIONS,	)	
	)	PRETRIAL ORDER
Complainant,	)	
	)	
vs.	)	
	)	
DEPARTMENT OF PARKS AND RECREA-	)	
TION, City and County of Honolulu,	)	
	)	
Respondent.	)	

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PRETRIAL ORDER

Pursuant to the representations of counsel for the parties at the initial conference held on May 9, 2003, IT IS HEREBY ORDERED THAT:

1. The issues to be determined are:
  - a. Whether Respondent violated 29 CFR 1910.1200(f)(5) as described in Citation 1, Item 1 of the Citation and Notification of Penalty issued on March 24, 2003?
    - i. Whether the characterization of the violation as "serious" is appropriate? If not, what is the appropriate characterization?
    - ii. Whether the imposition and amount of the \$450.00 proposed penalty is appropriate? If not, what is the appropriate penalty?
  - b. Whether Respondent violated 29 CFR 1910.1200(g)(11) as described in Citation 1, Item 2a, issued on March 24, 2003?
    - i. Whether the characterization of the violation as "serious" is appropriate? If not, what is the appropriate characterization?
    - ii. Whether the imposition and amount of the \$450.00 proposed penalty is appropriate? If not, what is the appropriate penalty?

- c. Whether Respondent violated 29 CFR 1910.1200(g)(8) as described in Citation 1, Item 2b, issued on March 24, 2003?
    - i. Whether the characterization of the violation as “serious” is appropriate? If not, what is the appropriate characterization?
  - d. Whether Respondent violated 29 CFR 1910.1200(h)(1) as described in Citation 1, Item 3a, issued on March 24, 2003?
    - i. Whether the characterization of the violation as “serious” is appropriate? If not, what is the appropriate characterization?
    - ii. Whether the imposition and amount of the \$450.00 proposed penalty is appropriate? If not, what is the appropriate penalty?
  - e. Whether Respondent violated 29 CFR 1910.1200(h)(3)(iii) as described in Citation 1, Item 3b, issued on March 24, 2003?
    - i. Whether the characterization of the violation as “serious” is appropriate? If not, what is the appropriate characterization?
2. Trial is scheduled on October 9, 2003 at 9:30 a.m. in the Board’s hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii.
3. Discovery deadlines are:
- |  |                   |
|--|-------------------|
| Designation of live witnesses,<br>and exchange of expert reports | July 16, 2003     |
| Discovery cut-off  | September 9, 2003 |
4. Hereafter, this Pretrial Order shall control the course of proceedings and may not be amended except by consent of the parties and the Board, or by order of the Board.

DATED: Honolulu, Hawaii, May 12, 2003.

HAWAII LABOR RELATIONS BOARD

  
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BRIAN K. NAKAMURA, Chair

DIRECTOR, DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS vs. DEPARTMENT  
OF PARKS AND RECREATION, City and County of Honolulu  
CASE NO. OSH 2003-5  
ORDER NO. 43  
PRETRIAL ORDER

  
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CHESTER C. KUNITAKE, Member

  
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KATHLEEN RACUYA-MARKRICH, Member

NOTICE TO EMPLOYER

You are required to post a copy of this Order at or near where citations under the Hawaii Occupational Safety and Health Law are posted at least five working days prior to the trial date.

Copies sent to:

Robyn M. Kuwabe, Deputy Attorney General  
Seth R. Harris, Deputy Corporation Counsel